

EXHIBIT C

IN THE COURT OF COMMON PLEAS
OF HUNTINGDON COUNTY, PENNSYLVANIA
CIVIL DIVISION - IN REM

IN RE: CONDEMNATION BY SUNOCO	:	Docket No. 2015-0972
PIPELINE L.P. OF PERMANENT AND	:	
TEMPORARY RIGHTS OF WAY FOR	:	
THE TRANSPORTATION OF	:	
ETHANE, PROPANE, LIQUID	:	
PETROLEUM GAS, AND OTHER	:	EMINENT DOMAIN – IN REM
PETROLEUM PRODUCTS IN THE	:	
TOWNSHIP OF UNION, HUNTINGDON	:	
COUNTY, PENNSYLVANIA, OVER THE	:	
LANDS OF STEPHEN GERHART AND	:	
ELLEN S. GERHART	:	

CONDEMNOR'S MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Pennsylvania Rule of Civil Procedure 1531, Condemnor Sunoco Pipeline L.P. ("Sunoco Pipeline"), by and through its undersigned counsel, hereby moves for issuance of a preliminary injunction (1) requiring Condemnees Stephen and Ellen S. Gerhart (hereafter, "the Gerharts" or "Condemnees") and those acting in concert with them, to immediately remove any and all structures, tree platforms, tents, vehicles, equipment and other objects placed in the easement held by Sunoco Pipeline on the Gerharts' property; (2) enjoining Condemnees, and those acting in concert with them, from being within Sunoco Pipeline's easement on the Gerharts' property until the Mariner East 2 pipelines are installed and all remediation and restoration efforts are complete; and (3) enjoining Condemnees, those acting in concert with them, and any other persons on the Gerhart property, from barring, preventing or otherwise interfering in any way with Sunoco Pipeline's use of its easement on the Gerharts' property.

As this Court is aware, Sunoco Pipeline condemned an easement across the Gerharts' property for the purpose of installing and operating the Mariner East 2 pipelines, which will transport natural gas liquids (NGLs) from Ohio and western Pennsylvania to points located in central and eastern Pennsylvania and the Marcus Hook Industrial Complex, on the Pennsylvania/Delaware border.

To facilitate installation of the pipelines, Sunoco Pipeline cleared the majority of the right of way easement on the Gerhart property in the spring of 2016. However, Condemnees' interference with Sunoco Pipeline's tree clearing activities prevented Sunoco Pipeline from cutting all of the trees located within the easement area, leaving several large trees yet to be felled. Actual installation of the pipelines was delayed pending issuance of environmental permits. Those permits have now been obtained and installation of the pipelines began in the spring of 2017.

In late March 2017, Sunoco Pipeline learned that the Gerharts, in conspiracy and coordination with others, were planning to physically block the installation of the pipelines by using the easement located on the Gerhart property as an "encampment" to obstruct the installation. As discussed in greater length below, the encampment is known as "Camp White Pine" and has been established and promoted as "a direct action tree-sit fighting against the Mariner East 2 Pipeline" and "a resistance camp in Huntingdon Cty PA on the route of the Mariner East 2 pipeline" that is intended to block completion of the pipeline. The organizers' own social media postings and videos candidly confirm the illegal intent of the encampment and the means being used to

block the pipeline's installation. Videos show that the Gerharts and their co-conspirators have installed elevated platforms in the few remaining trees and have linked them with zip lines so the "tree-sitters" can move from place to place through the air without having to touch the ground.

Based on the most recent social media postings, the encampment, if not actually hijacked by anarchists and radical eco-terrorists, has certainly taken a broad anti-pipeline, anti-fossil fuel, anti-establishment, anti-authority bent (one video depicts a disguised tree-sitter on the property stating that "as a settler on stolen land, I have an urgent responsibility to join the struggle that indigenous people have been leading for over 500 years." He concludes by advocating "down with patriarchy, down with white supremacy, down with ecocide, down with the pipeline and its world.").

As the remainder of the Mariner East pipelines in the geographic area encompassing the Gerhart property have now been installed, Sunoco Pipeline has no choice but to seek injunctive relief to address those pursuing their radical agenda on the Gerhart property and to enjoin Condemnees, and those acting in concert with them, from interfering with Sunoco Pipeline's right to construct the pipelines on the property. In support of this Motion, Sunoco Pipeline avers as follows

A. THE PARTIES.

1. Sunoco Pipeline is a limited partnership registered to do business in the Commonwealth of Pennsylvania.

2. Condemnees Stephen and Ellen Gerhart are married adult individuals who own a parcel of land which they acquired via deed dated August 20, 1996, which was filed in the Recorder's Office of Huntingdon County at Deed Book Volume 417, Page 449 (the "Property"). The Property is also known as 15357 Trough Creek Valley Pike, Union Township, Huntingdon County, Pennsylvania 16652, and has Tax Parcel I.D. No. 50-13-02.

B. THE RIGHT OF WAY AND THE CONDUCT OF CONDEMNES.

3. In 2015, Sunoco Pipeline initiated condemnation proceedings to acquire a right of way easement on the Property. Sunoco Pipeline sought a permanent easement of 1.72 acres, a temporary workspace easement of .58 acres and an additional temporary workspace easement of .86 acres.

4. Following the filing of Preliminary Objections by the Gerharts, a hearing was conducted by the Court on November 3, 2015 to address the challenges raised.

5. On January 6, 2016, the Court overruled all of the Preliminary Objections.

6. The Gerharts appealed the Court's decision. No supersedeas was sought or granted.

7. On or about February 24, 2016, Sunoco Pipeline filed a Petition to Deposit Estimated Just Compensation with this Court. The Gerharts notified the Court that they did not oppose the Petition and, on March 10, 2016, the Court issued an Order approving the deposit with the Court of \$6,000 in Estimated Just Compensation.

8. On March 21, 2016, Sunoco Pipeline deposited the Estimated Just

Compensation with the Court. As such, Sunoco Pipeline has the right under the Eminent Domain Code to possession of the easements and hence, the right to install the pipelines on the Property.

9. At or around that same time, Sunoco Pipeline advised the Gerharts that a crew would soon be on the Property to cut the trees located within the easement area in order to comply with United States Fish and Wildlife Service regulations regarding the Indiana bat. Immediately thereafter, the Clean Air Council and the Concerned Citizens of Lebanon County announced on social media an "event" at the Gerhart property and invited members "to come to the property in person to help deter tree-cutting crews," further stating that "The Gerhart family needs your support!"

10. In light of the anticipated confrontation, Sunoco Pipeline sought judicial review of the situation and, on March 28, 2016, the Court issued a preliminary injunction enjoining the Gerharts, and those acting in concert with them, from interfering with the tree cutting on the Property.

11. On March 29 and 30, 2016 and again on April 7, 2016, tree cutting crews were present on the Property and cut trees located within the right of way in anticipation of installation of the pipelines. Most of the trees located on the right of way were able to be cut; however, at least three (3) large white pine trees within the right of way could not be cut, and remain in place, as a result of the actions of the Gerharts, their daughter, Elise, and others in erecting tents and platforms in those trees to prevent them from being cut down. Several protestors, including Condemnee Ellen Gerhart, were arrested for

interfering with the tree cutting effort.

12. On April 12, 2016, upon motion of Sunoco Pipeline, the preliminary injunction was dissolved.

13. On July 14, 2016, the Commonwealth Court issued an opinion and order in *In re Condemnation by Sunoco Pipeline L.P. over the lands of R. Scott Martin and Pamela S. Martin, et al.*, 143 A.3d 1000 (Pa. Commw. July 14, 2016), *allocator denied*, 2016 Pa. LEXIS 2981 (Dec. 29, 2016). This decision effectively resolved most of the issues raised by the Gerharts in this case.

14. By Opinion and Order dated May 15, 2017, the Commonwealth Court affirmed the decision of this Court overruling Condemnees' Preliminary Objections. See *In re Condemnation by Sunoco Pipeline L.P. over the lands of Stephen Gerhart and Ellen S. Gerhart*, No. 220 C.D. 2016 (Pa. Commw. May 15, 2017).

15. Since issuing its decision in this matter, the Commonwealth Court also affirmed the decisions of the lower courts in two (2) other analogous actions. See *In re Condemnation by Sunoco Pipeline L.P. over the lands of Homes for America, Inc.*, No. 565 C.D. 2016 (Pa. Commw. May 24, 2017), and *In re Condemnation by Sunoco Pipeline L.P. over the lands of Rolfe W. Blume and Doris J. Blume*, No. 1306 C.D. 2016 (Pa. Commw. May 26, 2017).

16. All of the above decisions affirm that Sunoco Pipeline is a public utility corporation within the meaning of the Pennsylvania Business Corporation Law and as such, has the power of eminent domain. As of the time of this filing, no petition for

allocator has been filed by the Gerharts with the Pennsylvania Supreme Court.

17. Following the tree cutting on the Property, actual installation of the pipelines was deferred until all necessary environmental permits were secured.

18. In February 2017, Sunoco Pipeline obtained the environmental permits required to commence construction from the Pennsylvania Department of Environmental Protection and, in March 2017, from the United States Army Corps of Engineers.

19. A challenge by various advocacy organizations to the issuance of the permits was filed, but a request for supersedeas was denied by the Environmental Hearing Board after a hearing was held.

20. With the permits obtained, Sunoco Pipeline began the process of installing the Mariner East 2 pipelines across the Commonwealth.

21. On March 31, 2017, an article was published in the Wall Street Journal identifying “stiffening resistance” by pipeline opponents who have “been emboldened by North Dakota standoff.” A true and correct copy of the above-referenced article is attached hereto as Exhibit “A.”

22. The Wall Street Journal article specifically focused on the Gerhart property and included a photograph of what is labeled as an “encampment” of tents on the Property within the right of way.

23. Following that Wall Street Journal article, Sunoco Pipeline initiated an investigation of possible obstructive conduct by Condemnees in anticipation of the installation of the pipelines.

24. Sunoco Pipeline has learned that an “encampment” known as “Camp White Pine” has been established on the Property and that protestors are being called to the site for the express purpose of blocking installation of the pipelines.

25. Camp White Pine has been promoted on social media as “a resistance camp in Huntingdon Cty PA on the route of the Mariner East 2 pipeline” that “has been building quietly, but now it needs your support to introduce it to the world.” The camp’s logo depicts a predator’s skull biting on a pipe, with the accompanying words “Resist Mariner East,” and its Facebook site states that Camp White Pine is “a forest defense camp resisting Sunoco’s Mariner East 2 Pipeline.” True and correct copies of excerpts from the Camp White Pine Facebook page are attached as Exhibit “B.”

26. The organization Earth First published an article entitled “Call to Action: Camp White Pine to Resist the Mariner East 2 Pipeline in Pennsylvania” and positively boasted that “Exactly a year after tree-sitters successfully interfered with the completion of tree-clearing along the pipeline route in Huntingdon County, we are once again confronting Sunoco Logistics” A copy of the above referenced article is attached hereto as Exhibit “C.”

27. On April 6, 2017, Sunoco Pipeline filed a praecipe for issuance of a writ of possession. On the same date, a rule to show cause was issued to Condemnees as to why the writ should not be issued.

28. On April 11, 2017, Condemnees filed a response to the rule to show cause.

29. On April 18, 2017, the Court granted the writ of possession. The writ of

possession directs the Sheriff of Huntingdon County to “deliver possession of the easements over the lands of Condemnees Stephen Gerhart and Ellen S. Gerhart, which were condemned . . . to Sunoco Pipeline L.P.”

30. Sunoco Pipeline has the present and immediate right to possession of the easements.

31. Installation of the pipelines across the state is now fully underway and the remainder of the Mariner East pipelines in the geographic area encompassing the Property have been installed or will be in the very near future. Therefore, further delay at the Gerhart property is not feasible.

32. On June 8, 2017, Sunoco Pipeline made an aerial observation of the Gerhart property from a neighboring property. That observation was then supplemented by a June 9, 2017 physical observation from an adjacent property. From the aerial photographs and video, and from the on-ground inspection, Sunoco Pipeline’s personnel were able to observe that structures have been installed just off of the right of way. They appear to anticipate housing a substantial number of resistance activists on site. Media reports indicate that toilets/latrines have been installed, but that could not be confirmed. A “look-out” station to warn occupiers of anyone who might be attempting to enter the easement is also located on the Gerhart property.

33. Additionally, elevated platforms have been erected in the trees which remain within the easement area. These remaining trees on the right of way have been roped together and tethered to other trees outside of the right of way. Signs also have

been placed on the Property warning Sunoco Pipeline not to cut the trees and/or the ropes or risk endangering the lives of those occupying the tents. "No trespassing" signs are also on the Property.

34. The clear and stated intent of Camp White Pine is to block Sunoco Pipeline's access to the right of way, create an unsafe condition for both the camp's occupants and construction workers and make extraction by law enforcement more difficult, all in an effort to prevent construction of the pipelines.

35. On April 25, 2017, Camp White Pine received national attention via Democracy Now!, with the headline "PA Residents Launch Tree Sit to Blockade Construction of Gas Pipeline." The blog post goes on to state that "at Camp White Pine in Pennsylvania, residents and activists have launched ongoing 24-hour tree-sits to try to block the construction of Sunoco's Mariner East 2 pipeline . . . and residents and activists are currently suspended in trees in Huntingdon County in efforts to prevent workers from clearcutting the forest to make way for the pipeline." The posting is accompanied by photographs of an individual suspended mid-air from a zip line beside banners which proclaim "No Mariner East 2" and "You Shall Not Pass."

36. Also on April 25, 2017, a video entitled "You Shall Not Pass" was posted to the Facebook page for Camp White Pine at <https://www.facebook.com/CampWhitePinePA/videos/1916115425324922/>. The video, which starts by showing a hanging banner with the same slogan as the blog ("You Shall Not Pass") takes pride in Elise Gerhart's tree-sitting defiance of the Court's injunction last

year by stating that “the successfully defended trees have been fortified into the most elaborate tree-sit ever conducted on the East Coast.” The video promotes Camp White Pine as the “stronghold that stands in its [the pipeline’s] path.”

37. The video also shows the elevated platforms constructed in the remaining trees on the right of way as well as the sophisticated zip-line and rope system put in place to allow the “tree-sitters” to move from place to place through the air without needing to touch the ground, presumably with the goal being to avoid the risk of being taken into custody by law enforcement or prevented from returning to their posts in the trees.

38. The video concludes by stating “Sunoco is coming and we are ready.”

39. Confirming that the resistance to installation of the pipelines is not based on legal arguments relating to the Property but is, instead, intended as a political statement applicable to pipelines generally, the Facebook page introduces the video by noting that “Warning: This video may inspire you to stop your local pipeline.”

40. Expanding on the political nature of the protest and its recent change in focus, the Camp White Pine site recently posted a video with a masked tree-sitter on the property stating that “as a settler on stolen land, I have an urgent responsibility to join the struggle that indigenous people have been leading for over 500 years.” He concludes by advocating “down with patriarchy, down with white supremacy, down with ecocide, down with the pipeline and its world.”).

41. Further reflecting the growing disconnect between the pipeline and the purposes of those on the Property, on May 18, 2017, the site posted the following

message: "Yesterday, Camp White Pine installed aerial tree banners to commemorate the release of political prisoners Oscar Lopez Rivera & Chelsea Manning!" Photos of the site did show banners flying from the trees stating "Welcome back Chelsea & Oscar."

42. Since then, Camp White Pine and its supporters have continued to post highly provocative rhetoric on social media, laying the foundation for what appears to be an inevitable confrontation when construction crews arrive at the Property.

43. In anticipation that their actions will be determined to be illegal, Camp White Pine has also continued to solicit donations for the camp's "bail and legal fund," stating "We already have a lawyer in place who is ready to defend any arrested individuals . . . ," making clear that the protesters have every intention of getting arrested to advance their cause and stop installation of the pipelines on the Property.

44. In light of the readily apparent plans of Condemnees, and those acting in concert with them, to obstruct and interfere with Sunoco Pipeline's installation of the pipelines on the Property, and to avoid an on-site confrontation, Sunoco Pipeline seeks injunctive relief barring Condemnees, and all those acting in concert with them, from interfering with the installation of the pipelines, from creating conditions on the right of way that create danger to themselves and others and further barring Condemnees from encroaching on the right of way until all construction, remediation and restoration activities are complete.

C. THE NEED FOR PRELIMINARY INJUNCTIVE RELIEF

45. Having condemned the Property for the specific purpose of installing pipelines for the Mariner East project, and having paid the required Estimated Just Compensation into the Court, and obtained a writ of possession, Sunoco Pipeline has the clear right to lay the proposed pipelines within its acquired easement.

46. Condemnees' conduct and threat to bar installation of the pipelines is a direct and willful violation of law and constitutes a willful interference with Sunoco Pipeline's rights.

47. Sunoco Pipeline has a clear right to relief on the merits of its claim.

48. If Sunoco Pipeline is not able to install the pipelines, it will be permanently and irreparably harmed as it will have no remedy at law, or alternative remedy, which would make it whole. The Mariner East 2 pipeline project is useless unless the entire pipeline is laid.

49. No award of damages from Condemnees in the future could adequately compensate Sunoco Pipeline for the harm which would arise from its inability to proceed because of Condemnees' interference with Sunoco Pipeline's rights. As such, monetary damages are not an adequate remedy in this matter.

50. The likelihood of harm to Sunoco Pipeline is also imminent. The installation process for the Mariner East 2 pipeline is well underway across the state, with complete installation expected in the near future and the pipelines being made operational in the fall of this year.

51. Additionally, the construction crew assigned to the geographic territory encompassing the Property has already installed the remainder of the pipelines in the area and now requires access to the Property. If the construction crew is barred by Condemnees and/or those acting in concert with them from installing the pipelines, they will be idled at a cost to Sunoco Pipeline of over a hundred thousand dollars a day. Additionally, Condemnees have made clear that they will utilize all available time prior to construction to create more elaborate impediments to construction and create further dangerous conditions on the Property.

52. In addition to the immediate and irreparable harm caused to Sunoco Pipeline, Condemnees' illegal interference with Sunoco Pipeline's rights will cause substantial harm to the public for several reasons.

53. Although Sunoco Pipeline is a for-profit entity, the transportation services to be provided by the Mariner East 2 pipelines will clearly benefit the public. As noted in an order of the Pennsylvania Public Utility Commission on July 24, 2014, this pipeline "will result in numerous public benefits," including the ability to "ensure that there is adequate pipeline capacity to meet peak demand for propane during the winter heating season."

54. The PUC, in an August 21, 2014 Order, further determined that this pipeline:

will increase the supply of propane in markets with a demand for these resources, including in Pennsylvania, ensuring that Pennsylvania's citizens enjoy access to propane heating fuel. Additionally, the proposed service will offer a safer and more economic transportation alternative for shippers to existing rail and trucking services.

55. This Court, earlier in this case, also recognized the public benefit of this

project. See 1925(a) *Memorandum*, at 3.

56. In contrast to the significant and irreparable harm that will be inflicted on Sunoco Pipeline and the public if the requested injunction is denied, the Gerharts will suffer minimal, if any, harm from the grant of such relief and will be required simply to abide by the law. Moreover, any harm caused to them can be remedied with an award of monetary damages.¹

57. Upon completion of the project, the Property will be restored by Sunoco Pipeline and any temporary workspaces used will revert to Condemnees, with the Gerharts being permitted to use the easement area provided that they do not interfere with the pipelines. To the extent that any damage is done to the Property, the Gerharts will be compensated for such damage.

58. Further, Condemnees are protected from harm by the Estimated Just Compensation that has been deposited with the Court and any additional bond that is required to be posted by Sunoco Pipeline upon entry of an order for injunctive relief.

59. The requested relief will return the parties to their respective positions prior to Condemnees' improper actions, *i.e.*, prior to Condemnees unreasonably and without legal justification barring Sunoco Pipeline from its own right of way. As such, the granting of injunctive relief is consistent with law and will maintain the *status quo*

¹ The Eminent Domain Code contains several provisions ensuring the compensation of condemnees with monetary damages for particular actions by a condemnor. See, e.g., 26 Pa.C.S. §§ 303, 307(a)(2)(1) and 502.

ante.

60. The requested relief is limited and narrowly focused on enforcing Sunoco Pipeline's specific easement rights.

WHEREFORE, Condemnor Sunoco Pipeline L.P. respectfully requests that this Court grant its Motion for Preliminary Injunction in the form attached, directing that:

1. Condemnees Stephen and Ellen Gerhart, and those acting in concert with them, immediately, but in no event more than 48 hours after issuance of the Order, remove all tents, structures, vehicles, equipment and other materials placed within the easement granted to Condemnor on Condemnees' property, with any items remaining within the easement thereafter to be viewed as illegal obstructions and removed and disposed of by appropriate law enforcement authorities and those acting under the direction of said authorities, and with any items which cannot be readily removed by appropriate law enforcement authorities and those acting under the direction of said authorities to be destroyed by them.

2. Condemnees Stephen Gerhart and Ellen Gerhart, and all other persons not employed by or representing Condemnor, be restrained and enjoined, pending further order of the Court, from entering, or being on, the easement acquired by Condemnor on Condemnees' property until the pipelines are installed and all remediation and restoration efforts are complete.

3. Condemnees, and all persons acting in concert with them, as well as all persons on property owned by Condemnees or in the vicinity thereof, be restrained and

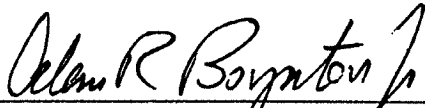
enjoined, pending further order of this Court, from barring, preventing or otherwise interfering in any way with Condemnor's access to, and use of, the easement acquired by Condemnor on Condemnees' property;

4. Condemnees, and all persons acting in concert with them, as well as all persons on property owned by Condemnees, be restrained and enjoined, pending further order of this Court, from barring, preventing or otherwise interfering in any way with Condemnor's installation of pipelines within said easement; and

5. Grant such other relief as deemed necessary and appropriate.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

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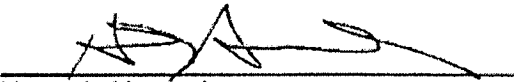
Dated: June 12, 2017

Counsel for Condemnor Sunoco Pipeline L.P.

VERIFICATION

Subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, I hereby certify that I am the VICE PRESIDENT for Sunoco Pipeline L.P. and that I am authorized to sign this verification on its behalf. I further verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief.

SUNOCO PIPELINE L.P.



Harry J. Alexander

Dated: June 22, 2017

EXHIBIT "A"

THE WALL STREET JOURNAL.

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<https://www.wsj.com/articles/pipelines-encounter-stiffening-resistance-1490952608>

U.S.

Pipelines Encounter Stiffening Resistance

Residents are emboldened by North Dakota standoff as energy firms try to move glut of natural gas



The small encampment on Ellen Gerhart's property in Huntingdon, Pa., protesting the Mariner East 2 pipeline.

PHOTO: KRIS MAHER/THE WALL STREET JOURNAL

By KRIS MAHER

March 31, 2017 5:30 a.m. ET

HUNTINGDON, Pa.—As energy companies ramp up efforts to move a glut of natural gas with new pipelines in Pennsylvania and beyond, they are encountering stiffening resistance from property owners and activists.

<https://www.wsj.com/articles/pipelines-encounter-stiffening-resistance-14909...> 4/3/2017

Residents and activists have set up an encampment on Ellen Gerhart's property here, where the 61-year-old has been fighting against the 350-mile Mariner East 2 pipeline. A hundred miles to the east, a bigger encampment in Lancaster dubbed "The Stand" is going up in a cornfield in the heart of Amish farm country to oppose a different pipeline. In both cases, the pipeline builders have said they have tried to accommodate landowners and avoid clashes by rerouting sections.

As the disputes rage, officials say the need for new pipeline capacity is acute in places like Pennsylvania, where fracking in the Marcellus Shale has created an oversupply of natural gas, depressing prices and hampering economic development.

A task force formed by Pennsylvania Gov. Tom Wolf, a Democrat, concluded last year that more pipelines are needed to move gas inside and beyond Pennsylvania. In February, appointees of President Barack Obama on the Federal Energy Regulatory Commission approved four major pipelines in the state, the nation's No. 2 natural-gas producer behind Texas.

A majority of Pennsylvania residents support natural-gas development and the use of fracking, according to several statewide polls conducted in the past five years. Since 2012, a fee on natural gas wells has generated a billion dollars in revenue for the state. There are more than 12,000 miles of oil and gas pipelines in Pennsylvania.

But pipeline opponents say they threaten drinking-water sources and sometimes cut an unwanted path through private land, and they feel emboldened after last year's protests against the Dakota Access Pipeline in North Dakota. That standoff galvanized Native American and environmental activists even though it ultimately failed to block the pipeline, which is soon to be in service.

Ms. Gerhart, a retired special-education teacher, has been arrested three times trying to stop the gas pipeline from crossing her property, and her 29-year-old daughter, Elise, climbed a tree last year to try to stop workers from clearing a right-of-way. The Gerhart family says Sunoco Logistics Partners LP illegally cut 200 trees on three of its 27 acres to carve a path for the \$2.5 billion Mariner East 2 pipeline, which would carry natural gas liquids to refineries and export terminals near Philadelphia.

"What's happening is you have this quiet peaceful rural property being turned into an industrial zone against your will," said Elise Gerhart. A county judge permitted the company to seize the land, but the family has appealed the ruling.



Ellen Gerhart with her daughter Elise, right. PHOTO: KRIS MAHER/THE WALL STREET JOURNAL

Jeff Shields, a spokesman for Sunoco Logistics, said the company cleared the trees after the court condemned the land. He said the company has negotiated easements with over 2,000 landowners for the project and seeks to avoid eminent domain proceedings.

"We will continue to follow the law in everything that we do, as we have with the Gerharts, and we expect landowners or any protesters to do the same," he said.

Pipeline development has also meant jobs for people like John Carson, a 33-year-old laborer from Plymouth, Pa.

Mr. Carson has been helping build pipelines for the past nine years and said there has been little other work available at his union hall. Today he earns \$28.50 an hour working on the pipeline the Gerhart family is protesting. He expects to switch later this year to the pipeline set to run through the Lancaster encampment.

"The pipeline has been literally feeding my family for the past nine years," he said. "Everybody is entitled to their own belief," he said of people fighting the projects. However, he said he thinks much of the opposition to new pipelines is misplaced because they are better engineered and use advanced coatings that he believes make them far safer than older lines.

"I think most folks in Pennsylvania understand the benefits of pipeline development," said Dave Spigelmyer, president of the Marcellus Shale Coalition, a trade group. He said new pipelines would boost jobs in construction and steel and companies in chemicals and plastics that use natural gas.

Ms. Gerhart and other protest organizers say they have no quarrel with people like Mr. Carson who earn their living in the pipeline business. Their concern is largely with the way the companies use eminent domain to force landowners to make way for the pipelines.

Williams Co s., the Lancaster pipeline's builder, said it has also tried to work with landowners and has made 477 changes to the pipeline's route to accommodate people, said Chris Stockton, a spokesman. The 185-mile Atlantic Sunrise Pipeline would cross 10 Pennsylvania counties and feed natural gas into an existing east coast pipeline to customers, potentially as far south as Alabama.

Mr. Stockton said the company respects the rights of people to protest the pipeline, which Williams estimates would support 2,500 jobs during the year it is built. "As we're constructing the line, the safety of our employees and the public is the most important thing to us," he said. "Hopefully we're not going to have a confrontation."

Organizers of the protests, meanwhile, are trying to strike their own balance by not provoking local police and others in the community. In Lancaster, protesters won't be allowed to wear masks as many did at the North Dakota protests, local organizers say. Malinda Clatterbuck, an associate pastor at a Mennonite church who sleeps at the Lancaster encampment several times a week, along with her husband and two daughters, said the group won't allow tactics that could hurt their cause by turning off local supporters.

"We're residents who are living here who are trying to protect our land," she said.


Write to Kris Maher at kris.maher@wsj.com

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EXHIBIT "B"

Camp White Pine



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Camp White Pine

May 1 ·

Camp White Pine is a direct action tree-sit fighting against the Sunoco Mariner East 2 Pipeline.

Please check out this video about our front fighting #capitalism, #colonization and #ecocide!

And consider donating to our legal fund to keep our tree people free!...

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Camp White Pine

11 hrs

Today on June 11 we remember those paying the price of long years behind bars for fighting for freedom and the wild.

June 11 began as a day of solidarity with Marius Mason and Eric McDavid (Eric McDavid is now free), both imprisoned for acting against environmental destruction. It continues to be a day to gather to support long term political prisoners and eco-prisoners as the state continues to crack down on resistance by isolating and threatening us and trying to tear us apart with prison walls.

May the walls come down, and the cages open, and the wild take the place of where the state built prisons to trap our bodies and hide our voices from the world. Until then those of us on the outside can support political prisoners by writing letters to keep connections between us, maintaining financial support and working for the abolition of prisons and against state repression.

The image below is artwork by Marius Mason, anarchist and earth defender sentenced to nearly 22 years in federal prison for "acts of property damage carried out in defense of the planet." check out their support site <https://supportmariusmason.org/> and consider writing and donating. Entitled "Where They're Supposed to Live" this piece was painted in response to one aquarium's announcement that it would phase out dolphin captive breeding and shows, as more support seems to be growing for an end to cruel captivity for marine mammals.

More on June 11: <https://june11.noblogs.org/>



Like Comment Share

11

Chronological

3 shares

View 1 comment



Write a comment...

See All

Chat (6)

-1:31

16,837 Views

Unicorn Riot
May 18 at 10:43pm

Like Page

Thursday evening, Sunoco crews put up new floodlights up at the Mariner East 2 pipeline work site across the street from Camp White Pine in Huntingdon, PA

Like Comment Share

15

Chronological

T Turena Austin WTF do they think they're doing anyway. scum
Like · Reply · 1 May 22 at 9:18am

Write a comment...

Camp White Pine
May 16 at 10:00am

Yesterday, #CampWhitePine installed aerial tree banners to commemorate the release of political prisoners Oscar López Rivera & Chelsea Manning!

Welcome Back, Chelsea & Oscar!

#StopETP #ResistSunocoPA #ResistMarinerEast
#ChelseaManning

#OscarLopezRivera #OscarRiveraLibre
<https://www.facebook.com/events/237109830104205/>
National Boncua Human Rights Network, Chicago Chapter
Photo Credits: Kai Pang, Josh Michener



Like Comment Share

68


59 shares


Chat (6)

MAY 19 **Emergency 4-Day Prayer**
 May 19 - May 22 · Split Rock Sweetwater Prayer... Interested
 Community · 306 people

Like Comment

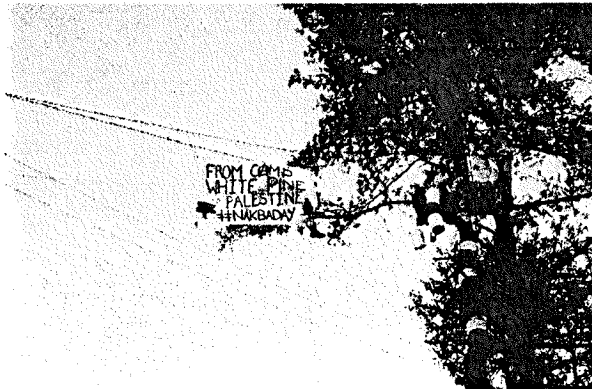
11

 Write a comment...

 **Camp White Pine**
 May 15 at 8:00pm ·

Camp White Pine stands in solidarity with #Palestinian resistance against genocide, apartheid and occupation.

Under the guise of nationalism, Zionists began a settler colonial project that continues to this day. Today, May 15th, is #Nakba Day (or 'catastrophe' in Arabic), a day of mourning marking the murder, expulsion and land theft enacted by Zionist militias, and after declaring independence, officially sanctioned Israeli occupation forces. Hundreds of thousands of Palest...
 See More





Like Comment Share


76

Chronological

93 shares


 **Tawasi** Thank you for speaking power to truth.
 Like · Reply · May 16 at 1:10pm

 Write a comment...

 **Camp White Pine** shared Split Rock Sweetwater Prayer
 Camp's post.
 May 14 at 5:30pm ·

Please support the Split Rock Sweetwater Prayer Camp in so-called New Jersey resisting the AIM and Pilgrim pipelines. They are facing potential police escalation as the town of Mahwah wants them to remove their teepees from their own Ramapough territory. Share far and wide.

#ResistSpectra #NoPilgrimPipeline #ResistMarinerEast #StopSpectra
 #NoPipelinesOnStolenLand #KeepItInTheGround #DefendTheSacred

 **Split Rock Sweetwater Prayer Camp**
 May 13 at 11:02am ·

CALLING ALL ALLIES: We are seeing frequent police presence at camp this morning. We are asking all allies to come to camp and maintain a strong presence as a precaution to recent escalations with the town of Mahwah. Anushik. Please share with all your relations.

Like Comment Share

Chat (6)

We are preparing for Sunoco and Police to arrive any day and have built a treesit stronghold to defend this space. But last year, folks arrested here at #CampWhitePine faced bails as high as \$200,000 in an attempt to shut down our resistance efforts.

We need to build a strong legal fund to support the treesit here so it can be ongoing in the face of potentially more severe state repression than last year.

PLEASE SHARE AND SUPPORT OUR LEGAL FUND:

<https://fundrazr.com/campwhit...> See More



Bail and Legal fund for Camp White Pine

Brave volunteers are currently resisting the construction of the Mariner East 2 pipeline. Support them by making sure they have their legal rights enforced and, if arrested, don't sit in jail any longer than necessary.

FUNDRAZR.COM

Like Comment Share

54

92 shares



Write a comment...



Camp White Pine

May 8

Glaucomys volans (southern flying squirrel!), paid a visit to one of the sits at #CampWhitePine this morning. This small friend must have been sleeping in a sleeping bag in one of the platforms high in the pines. When a climber awoke this morning, the squirrel ran over her back, stopped at the edge of the platform and then scurried to the trunk, where they kindly posed for this picture before running away up the tree.

This tree is habitat, but Sunoco would turn it into woodchips. Wildlife is worth protecting.

#StopETP #ResistMarinerEast #ResistSunocoPA #ResistSunoco





Like Comment Share


49

Chronological

21 shares

Chat (6)

 Bev Anderson and squirrels need 🌱 and so do we!
Like · Reply · 1 · May 8 at 7:09pm
 Write a comment...

 Camp White Pine shared their event.
May 7 ·

Awesome legal training at 12 PM today at Juniata College in Huntingdon, PA. Come check it out to empower yourself when dealing with state repression!


#KnowYourRights




MAY 7 **Know Your Rights Legal Training**
Sun 12 PM · Ellis Ballroom, Juniata College, Hun...
Community Interested

Like Comment

12

 Write a comment.

 Camp White Pine shared their event.
May 6 ·

Want to get involved in the #Resistance to Sunoco's Mariner East 2 Pipeline?

Come get basic legal training that will empower you to assert your rights and advocate for others in the face of repression! This training will provide valuable information for everyday interactions with law enforcement and for potential non-violent direct actions scenarios.


#KnowYourRights... See More



MAY 7 **Know Your Rights Legal Training**
Sun 12 PM · Ellis Ballroom, Juniata College, Hun...
Community Interested

Like Comment

14

 Write a comment.

Chat (6)



Write a comment...

**Camp White Pine**

April 25 ·

Check out the story Greenpeace USA posted about the mother-daughter duo resisting a multi billion dollar energy company!

"Last year, when Sunoco's crews came to cut down the forest that blanketed the three acres of the easement, Ellen and her daughter Elise were ready. Elise sat in a tree stand for two weeks as other trees were felled all around her while Ellen and other activists gathered in solidarity nearby. Ellen and two friends were arrested during the process. Elise was... See More



Meet the Mother-Daughter Duo Resisting Pennsylvania's Largest Pipeline Project

Ellen and Elise Gerhart are standing up for their land against one of the country's largest pipeline companies — and they won't back down.

GREENPEACE.ORG

Like

Comment

Share

86

Chronological

85 shares



Rowena Fulk Great job. Keep fighting.

Like · Reply · 2 · April 26 at 7:06pm



Write a comment...

**Camp White Pine**

April 25

Camp White Pine made Democracy Now! headlines this morning!

Follow our page to stay up to date on the imminent threat to our camp by approaching Sunoco construction crews and local police.

Support our Legal Fund: <https://fundrazr.com/campwhitepine...> See More

4:28

4.5K Views

Like

Comment


Share


Chat (6)


Chronological


218 shares

View 4 more comments

 **P.J. Ditty** Thank you tree climbers !!
Like · Reply · April 27 at 11:42am

 **Renee Delk** Thank you for the share I give up lies to everyone of these people that are trying to stop this and anyone that does not have eyes to see what our government is doing grow up and look before it is too late these trees that they cut down do you think th... See More
Like · Reply · May 9 at 11:59pm

 Write a comment...

 **Camp White Pine**
April 24 ·

Tree climbers in Pennsylvania fight to resist the Mariner East 2 Pipeline. Warning: This video may inspire you to stop your local pipeline.

Our camp is facing danger from both Sunoco and the police. The situation is developing rapidly and we need your support! Stay tuned for updates and help spread the word.... See More

68K Views


Like Comment Share


412


Chronological


1,535 shares

View 35 more comments

 **Leo Caucino** Love and Prayers to you from Germany 🇩🇪 Take care of yourself and stay safe !!!!
Like · Reply · May 16 at 9:13pm

 **Caleb Fetter** Tyrone Lee Walters Jr.
Like · Reply · May 17 at 6:00pm

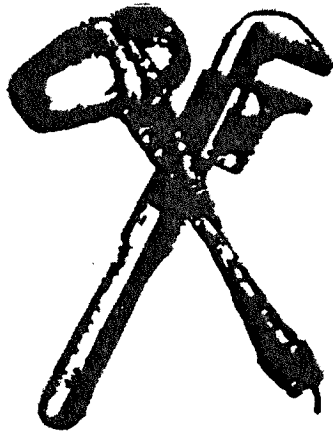
 Write a comment...

 **Camp White Pine** updated their cover photo.
April 24 ·



Chat (6)

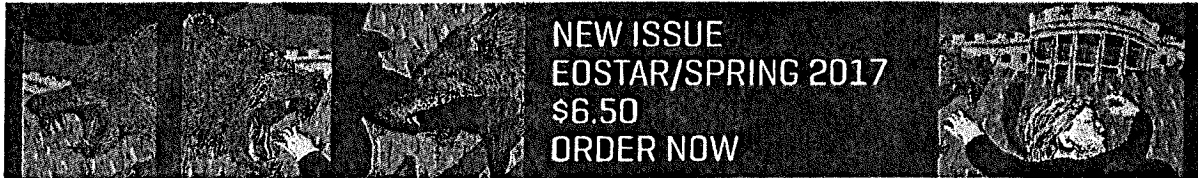
EXHIBIT "C"



Earth First! Newswire

Providing news and information about direct action
in defense of living systems around the world.

(<http://earthfirstjournal.org/newswire>)



(<http://earthfirstjournal.org/store/product-category/literature/back-issues/>)

WEDNESDAY, MARCH 29TH, 2017

Call to Action: Camp White Pine to Resist the Mariner East 2 Pipeline in Pennsylvania

by [Sunoco Pipeline Resistance Pennsylvania \(https://www.resistsunocopa.com/\)](https://www.resistsunocopa.com/) / [Earth First! Newswire \(http://earthfirstjournal.org/newswire\)](http://earthfirstjournal.org/newswire)



March 18 rally against the Mariner East 2 pipeline at Raystown Lake in Huntingdon, PA. Photo by Angela Vogel

As the seasons begin to change, something's stirring in the mountains and valleys of Northern Appalachia.

With construction season upon us, there's a call for land defenders and water protectors to join the growing resistance to pipelines and fracking infrastructure across the region. In the Susquehanna Valley of so-called Pennsylvania, Camp White Pine is digging in our heels to fight the Mariner East 2 pipeline, and invites you to come join us. Exactly a year after tree-sitters successfully interfered with the completion of tree-clearing along the pipeline route in Huntingdon County, we are once again confronting Sunoco Logistics, the same company responsible in part for the Dakota Access pipeline across Sioux territory in North and South Dakota. The Mariner East 2 is a 350+ mile long pipeline project, comprised of two new pipelines starting in southeastern Ohio, and running through northern West Virginia and across the length of Pennsylvania. These lines will carry natural gas liquids (NGLs) like butane, ethane, and propane to an export facility along the Delaware River in Marcus Hook, PA.

Resistance to the Mariner East 2 is spreading, with impacted residents and organizers working in communities all along the proposed route. Here in Huntingdon, work has already begun at Raystown Lake, the largest lake entirely within Pennsylvania state borders, where Sunoco intends to use a horizontal directional drill to bore underneath and lay the pipe. Sunoco Logistics and its subcontractors have no regard for the beauty of Appalachia, the preservation of its diverse ecosystems and rich culture. They care not for the people of the Lower Susquehanna. We at Camp White Pine are here to stop the

Mariner East 2 pipeline. If you have a passion for fighting energy extraction and infrastructure and believe in preserving the forests and rivers of Appalachia, come and join us in the valley this spring and summer.

Get in touch with us:

whitepineresist[at]riseup.net

[resistsunocopa.com \(https://www.resistsunocopa.com/\)](https://www.resistsunocopa.com/)

[facebook.com/resistsunocopa \(https://www.facebook.com/resistsunocopa\)](https://www.facebook.com/resistsunocopa)

I STAND WITH



CAMP WHITE PINE

Share this:

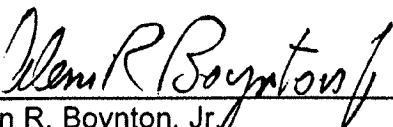
IN THE COURT OF COMMON PLEAS
OF HUNTINGDON COUNTY, PENNSYLVANIA
CIVIL DIVISION - IN REM

IN RE: CONDEMNATION BY SUNOCO	:	Docket No. 2015-0972
PIPELINE L.P. OF PERMANENT AND	:	
TEMPORARY RIGHTS OF WAY FOR	:	
THE TRANSPORTATION OF	:	
ETHANE, PROPANE, LIQUID	:	
PETROLEUM GAS, AND OTHER	:	EMINENT DOMAIN – IN REM
PETROLEUM PRODUCTS IN THE	:	
TOWNSHIP OF UNION, HUNTINGDON	:	
COUNTY, PENNSYLVANIA, OVER THE	:	
LANDS OF STEPHEN GERHART AND	:	
ELLEN S. GERHART	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on
this date via email and first class mail upon the following:

Richard Alan Raiders, Esq.
Lengert & Raiders, PC
210 West Penn Avenue
PO Box 223
Robesonia, PA 19551



Alan R. Boynton, Jr.
Attorney for Sunoco Pipeline L.P.

Dated: June 12, 2017

APPENDIX I

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE: CONDEMNATION BY SUNOCO : NO. CP-31-CV-972-2015
PIPELINE L.P. OF PERMANENT AND :
TEMPORARY RIGHTS OF WAY FOR :
THE TRANSPORTATION OF :
ETHANE, PROPANE, LIQUID :
PETROLEUM GAS, AND OTHER :
PETROLEUM PRODUCTS IN THE :
TOWNSHIP OF UNION, HUNTINGDON :
COUNTY, PENNSYLVANIA, OVER THE :
LANDS OF STEPHEN GERHART AND :
ELLEN S. GERHART :

FILED
2017 JUN 28 PM 1:25
PROthonary
HUNTINGDON CO. PA

RECEIVED
CIVIL DIVISION
JUN 28 2017
HUNTINGDON CO. PA

ORDER

JUN 28 2017

AND NOW, this 28th day of June, 2017, after argument held on June 27, 2017, and a careful examination of the record:

It is ORDERED that the Motion of Sunoco Pipeline L.P. for a Preliminary Injunction is GRANTED as all prerequisites for the issuance of an injunction have been established and issuing an injunction will not adversely affect the public interest. See Ambrogi v. Reber, 932 A.2d 969, 976 (Pa. Super. 2007). Therefore, it is further ORDERED that:

1. Condemnees shall immediately, but in no event more than 48 hours after issuance of this Order, remove all structures, tree platforms, tents, vehicles, equipment, and other objects placed within the easement granted to Condemnor. Any items remaining within the easement thereafter shall be viewed as abandoned illegal obstructions and shall be removed and disposed of by Condemnor or at the direction of Condemnor. Any items which cannot be readily removed may be destroyed by Condemnor.

2. Unless their presence on the easement is consented to by Condemnor, all persons are enjoined and restrained, pending further order of this Court, from entering, or being on the

6-28-17
mailed
by Carter-2
by Rarden-2

easement granted to Condemnor until the pipelines are installed and all remediation and restoration efforts are complete.

3. Condemnees, and all persons acting in concert with them, as well as all persons on property owned by Condemnees or in the vicinity thereof are hereby restrained and enjoined, pending further order of this Court, from barring, preventing, or otherwise interfering in any way with Condemnor's access to, and use of, the easement granted to Condemnor on Condemnees' property.


4. Condemnees and all persons acting in concert with them, as well as all persons on property owned by Condemnees, are hereby restrained and enjoined pending further order of this Court from barring, preventing, or otherwise interfering in any way with Condemnor's installation of pipelines within said easement.

5. Condemnees, and all persons acting in concert with them, as well as all persons on property owned by Condemnees or in the vicinity thereof are hereby restrained and enjoined from creating conditions on the right of way that create a danger to themselves and others.

6. This Order shall be conditioned upon the posting of Condemnor's bond in the amount of \$1,000, said bond to be deposited with the Prothonotary.

7. This Order shall remain in effect in full force until such time as this Court specifically orders otherwise.

BY THE COURT:


George N. Zanic, President Judge